IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 7296 OF 2002

Dr. Ranjana S. Nargolkar.. ... Petitioner.
Versus
Pune Municipal Corporation & Ors..... Respondents.

Mr. Sandeep Pathak i/by Mr. A.V.Anturkar
for the Petitioner.

Mr. R.M.Pethe i/by Mr. R.G.Ketkar for the Respondents.

CORAM : R. M. LODHA &
NARESH H. PATIL, JJ.

DATED : 1ST AUGUST, 2006.

P.C. :

Heard Mr. Pathak, advocate for the petitioner.

2. It is not in dispute that a portion of the land belonging to the petitioner was acquired for the purposes of road widening in the year 1992. It is also not in dispute that possession thereof was taken in that year. The compensation for the acquisition of the said land is said to have been paid to the petitioner. The grievance of the petitioner is that though the petitioner’s land (144.79 sq. mtrs.) was acquired for road widening, the same has been permitted to be used for stalls, constructed by the respondents, which according to the petitioner is not permissible.

3. We are afraid the grievance of the petitioner has no merits and the writ petition is liable to be dismissed. There is no bar in law for an acquiring authority to use the land acquired for one purpose to some other purpose. There is no challenge to the acquisition of the petitioner's land. Once the land has been acquired in accord with law, it is open to the respondents to use the said land for a purpose other than the purpose for which the land was acquired.

4. Dismissed in limine.

Sd/-

(R. M. LODHA, J.)

Sd/-

(NARESH H. PATIL, J.)